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- (1)
 (2) or half serious, ever used the expression
 (3) "don't let the facts get in the way of a
 (4) story" is argumentative, irrelevant,
 (5) inappropriate, has nothing to do with his
 (6) state of mind when writing this or any other
 (7) story, and I object.
 (8) **MR. McDEVITT:** Well, let me ask you
 (9) now, since you are such a keen judge of
 (10) what's relevant, if Mr. Mushnick said that in
 (11) conjunction with this article about
 (12) Mr. Wacholz, are you going to tell me it's
 (13) not relevant to find that out?
 (14) **MR. JACKSON:** First of all, don't get
 (15) into this sarcasm crap.
 (16) Second of all, if you ask him that
 (17) question, it indeed may be relevant.
 (18) **MR. McDEVITT:** So you want me to sort
 (19) of script down how I'm going to get to the
 (20) point and ask questions that you'll find
 (21) permissible versus ones you won't? You know
 (22) it's relevant.
 (23) **MR. JACKSON:** That's bullshit. Cut the
 (24) crap.
 (25) **MR. McDEVITT:** You don't need to use

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- (1)
 (2) profanity. I think you are disgracing
 (3) yourself.
 (4) **MR. JACKSON:** Oh, yes, a total
 (5) disgrace. You've got five more minutes. Are
 (6) you going to ask that question,
 (7) Mr. McDevitt?
 (8) **MR. McDEVITT:** What question?
 (9) **MR. JACKSON:** Whether he used that
 (10) expression in regard to this article, or only
 (11) with regard to things unrelated to this
 (12) lawsuit?
 (13) **MR. McDEVITT:** It's obvious that you
 (14) are uncomfortable with that whole line of
 (15) inquiry, so we will see if we can find one
 (16) that's acceptable here.
 (17) **MR. JACKSON:** Thank you.
 (18) **Q.** Did you ever talk to an attorney by the
 (19) name of Robert Wolf?
 (20) **A.** Yes.
 (21) **Q.** Did you obtain his number from
 (22) somebody?
 (23) **A.** I don't recall. If memory serves
 (24) correctly, I think he left the message at my office
 (25) for me to call him, but I can't recall in full.

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- (1)
 (2) **Q.** Do you recall talking to Mr. Wolf?
 (3) **A.** Yes.
 (4) **Q.** What did he tell you?
 (5) **A.** I believe he told me he was
 (6) representing Rita Chatterton.
 (7) **Q.** Did he tell you why he wanted you to
 (8) know that?
 (9) **A.** Not that I recall. I can assume that
 (10) because I was covering these stories.
 (11) **Q.** Did he tell you he was making any
 (12) monetary demands against Titan?
 (13) **A.** Not that I recall.
 (14) **Q.** Did you ever learn that Mr. Wolf had
 (15) demanded \$5 million from Titan during the
 (16) programming of the Now It Can Be Told show?
 (17) **A.** Not that I recall.
 (18) **Q.** Did you ever learn that fact?
 (19) **A.** Not that I recall.
 (20) **Q.** I think you've given us some testimony
 (21) about one conversation that you had with
 (22) Mr. McMahon regarding statements that he had made
 (23) about Mr. Phillips.
 (24) **A.** Mmm-hmm.
 (25) **Q.** And I think that you've indicated

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- (1)
 (2) everything you can remember about that
 (3) conversation. If there is other - what I - I'm
 (4) not trying to trap you in any way. If you want to
 (5) supplement what you said, that's my point of this
 (6) question. What I'd like to find out is everything
 (7) that was said in the three conversations that you
 (8) had with Mr. McMahon. Do you want to start with
 (9) the first conversation you had with Mr. McMahon, if
 (10) you can remember what that was about, and then tell
 (11) me in as much detail as you can remember the first
 (12) conversation you had with him?
 (13) **A.** I'll tell you with - to the best of my
 (14) recollection that the first conversation came late
 (15) at night. When I returned home, I got a message
 (16) from my wife to call Vince McMahon at his home,
 (17) regardless of what hour it was. I called him, I
 (18) believe it was around midnight, if not after
 (19) midnight.
 (20) **Q.** Could I ask you this, and I'll let you
 (21) continue. Do you remember any context in which
 (22) this call was? Was it in the context of any
 (23) specific article, or event, in which he called
 (24) you?
 (25) **A.** I believe it was around either late

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(1) February - actually, I believe it was just prior
 (2) to the suspensions of - or resignations - I don't
 (3) know how they were characterized at this point -
 (4) of Patterson, Garvin, and Phillips.
 (5) Q. Okay. If you could continue with what
 (6) you remember about the phone call.
 (7) A. I recall Mr. McMahon being very, very
 (8) cordial to me, very almost sweet to me,
 (9) complimenting me, saying that he had checked me
 (10) out, and knew I was highly regarded in the field,
 (11) and that he wants very much to get to the bottom of
 (12) the things that had surfaced in my columns, and he
 (13) felt that he wanted very much to meet with me and
 (14) have lunch or dinner, some such what could be
 (15) perceived as a social setting.
 (16) I recall saying I'd do my best to
 (17) facilitate that. I didn't find it to be
 (18) essential. But I promised him a call back I
 (19) believe the next day. I think that night he told
 (20) me that, again, to the best of my recollection, I
 (21) think that was the night he told me that Patterson,
 (22) Garvin, and Phillips had resigned, or he had forced
 (23) them, some such information like that.
 (24) Q. Is that pretty much what you remember

(1) or suspensions of Garvin, Phillips and Patterson,
 (2) and I recall him reiterating his request to sit,
 (3) just two guys talking, and really like to meet
 (4) you. At that point, I recall it was - he just
 (5) seemed too eager to have - to establish some sort
 (6) of social setting. He seemed to, on that day, be
 (7) pulling my leg. He seemed to be acting more like
 (8) the guy I've seen do skits on television than a guy
 (9) who was truly concerned about what I was writing in
 (10) The Post.
 (11) Q. Was it what he said that led you to
 (12) believe that?
 (13) A. It was the kind of conversation where I
 (14) feel that any reasonable person would say to
 (15) themselves what's going on with this guy.
 (16) Q. Was he polite to you?
 (17) A. So polite that it was ridiculous. He
 (18) was dripping with politeness. Dripping with
 (19) cordiality.
 (20) Q. Did you expect him to respond to your
 (21) articles with some emotion other than politeness?
 (22) MR. JACKSON: Objection. He said he
 (23) was over polite.
 (24) Q. Directed towards you?

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(1) about the first call?
 (2) A. Yes.
 (3) Q. Anything else you can recall?
 (4) A. I remember him telling me that these
 (5) gentlemen represented that they had resigned. I
 (6) don't know about Phillips, but I remember Patterson
 (7) and Garvin I think he said had resigned for the
 (8) best interests of - because of their deep regard
 (9) for the WWF, or something along those lines.
 (10) Q. Okay. Where was it left with respect
 (11) to this request to sit down and talk with you?
 (12) A. I told him I'd get back to him.
 (13) Q. Was there then a second call?
 (14) A. Yes, there was.
 (15) Q. From him to you or from you to him?
 (16) A. I believe it was from me to him.
 (17) Q. This is what, the next day, or -
 (18) A. It might have been the next day. It
 (19) might have been two days after, but it was soon
 (20) after.
 (21) Q. What do you recall about that phone
 (22) call?
 (23) A. I recall him thanking me for quoting
 (24) him in an accurate fashion as to the resignations

(1) MR. JACKSON: Go ahead.
 (2) A. I expect - I don't know what I
 (3) expected. I didn't - I - I learned later on
 (4) that -
 (5) MR. JACKSON: No.
 (6) A. Okay. I didn't know what I expected.
 (7) Q. Did you think that somebody who had all
 (8) that written about him couldn't be as polite as he
 (9) was being to you?
 (10) A. That had nothing to do with what I'm
 (11) telling you, that even if I had written nothing
 (12) about him, even if I had written a glowing piece
 (13) about McMahon, the way he was acting on the phone
 (14) was as if I would - as if I had been Judy Garland
 (15) and I just landed in Oz, and I had landed atop the
 (16) wicked witch.
 (17) Q. So he was polite or over polite?
 (18) A. He was - he was extremely cordial,
 (19) extremely polite. Just he seemed to be talking to
 (20) me the way he talks to - he does interviews, or he
 (21) does ringside stuff on his WWF productions.
 (22) Q. Did he swear at you?
 (23) A. Not as I recall, no, sir.
 (24) Q. Did he curse you in any way?

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- (1)
 (2) A. No, sir.
 (3) Q. And then when is the third
 (4) conversation?
 (5) A. The third conversation followed shortly
 (6) thereafter, probably within two or three days.
 (7) Q. Did he call you or you call him?
 (8) A. I don't recall.
 (9) Q. Was that the conversation we have been
 (10) into in some detail about Mel Phillips, or is this
 (11) a different -
 (12) A. That was a very lengthy conversation.
 (13) Q. And that's the one where you talked
 (14) about Mel Phillips and the circumstances
 (15) surrounding his departure at a prior time and
 (16) coming back to the WWF?
 (17) A. Yes.
 (18) Q. Is there anything you remember about
 (19) that conversation other than what you've told us
 (20) about during these depositions?
 (21) A. I recall saying to him, I believe at
 (22) this point we were on a first-name basis, and I
 (23) recall saying to him, Vince, I'm just having
 (24) trouble. You keep saying you want to get to the
 (25) bottom of this. You - and then you keep saying I

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- (1)
 (2) don't believe it, I can't believe it, but if it
 (3) happens, I'll get to the bottom of it. And I said,
 (4) Vince - I don't remember doubting his sincerity,
 (5) but I remember thinking it.
 (6) He talked about his great regard for
 (7) children and I said, you know, Vince, no offense -
 (8) I was trying to be as polite as possible - I said
 (9) no offense, if you have a great regard for
 (10) children, you don't teach them what I consider to
 (11) be, and many people, negative ethnic and racial
 (12) stereotyping, graphic violence, you don't present
 (13) heroes to their kids all swollen up with 'roids.
 (14) You don't show closeups of kids at ringside who are
 (15) actually horrified to see the violent things they
 (16) see, and are perceived to be believing that
 (17) everything is real, and it's all horrible.
 (18) And Vince said I will admit to you we
 (19) go too far sometimes, and then he brought up as an
 (20) example something they did with a snake biting
 (21) somebody. It was something I had seen recently,
 (22) and the WWF cameras cut to a kid maybe seven or
 (23) eight years old, absolutely horrified, absolutely
 (24) horrified to be witnessing this.
 (25) And Vince said I admit to you we do go

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- (1)
 (2) too far sometimes, but I want to assure you that
 (3) I'm a good parent, and if there are children being
 (4) abused, I'll do something about it.
 (5) And then he told me I want you to
 (6) know - Mel Phillips' name came up. He said I want
 (7) you to know that - I believe I brought up Mel
 (8) Phillips' name, and he became very somber and
 (9) sober, and said I want you to know that we had
 (10) known for some time that Mel had a peculiar and
 (11) unnatural interest and attachment to children, and
 (12) as we saw him going around and - with kids, that
 (13) Linda and I decided that this was wrong, and we
 (14) fired him, and then a period of time - I don't
 (15) recall whether he said two years or four years, but
 (16) a period of time passed, and out of the goodness of
 (17) our hearts, we brought back Mel. He really missed
 (18) the wrestling. He really missed the scene. We
 (19) brought him back with the caveat that he steer
 (20) clear of children.
 (21) At that point I said but isn't he
 (22) hanging out now with this kid [REDACTED]. He
 (23) says oh, yes, [REDACTED]. He seemed surprised
 (24) to know that I knew that. He says but [REDACTED] has
 (25) his parents' permission to be with Mel, and I think

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- (1)
 (2) I said to Mel - to Vince, but if you feel that the
 (3) guy has a peculiar attraction to children, an
 (4) unnatural attraction to children, why would you let
 (5) any kid come back, and I said to him, it's well
 (6) known that [REDACTED] known as Mrs. Mel Phillips on
 (7) the circuit. Mel didn't - Vince didn't deny
 (8) that. And I said it's also kind of well known that
 (9) if not retarded, this kid's borderline retarded,
 (10) which makes him that much more vulnerable, which
 (11) should make him that much - you should be that
 (12) much more interested in his good and welfare as to
 (13) keeping him away from Mel Phillips, and he said
 (14) that's something I'll have to consider, or
 (15) something along those lines.
 (16) And then he spoke, he said but I want
 (17) you to know that your source or source are - no,
 (18) I think he said I know who your sources, and in
 (19) essence you are barking up the wrong tree. This
 (20) guy is a homosexual, and he said it in a pejorative
 (21) way, and I said, well, I don't have anything about
 (22) homosexuals.
 (23) Q. You mean Hodgson, you are talking
 (24) about?
 (25) A. He hadn't mentioned his name yet. And

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(1)
 (2) I said, I don't know this source to be a
 (3) homosexual, and I think at this point there's more
 (4) than one source here.
 (5) He said to me you are talking about
 (6) Murry Hodgson. And I really didn't say anything.
 (7) At that point I didn't want to - I didn't know
 (8) whether Vince was trying to discover things from
 (9) me, looking to confirm his suspicions. I just
 (10) don't recall what I said. I might have said
 (11) perhaps. I said I really don't want to get into
 (12) divulging sources, Mr. McMahon, or Vince, and I
 (13) remember writing his name down on a piece of
 (14) paper. I didn't even remember hearing it
 (15) correctly.
 (16) And I remember when we got off the
 (17) phone call - and I think it lasted well in excess
 (18) of a half hour, and there was a point in that
 (19) conversation where I actually said to myself maybe,
 (20) just maybe, this guy wants to come around on this
 (21) thing. That this - and I said through this whole
 (22) thing about starting with Zahorian, I said, Vince,
 (23) you could have said that this thing had a lot to do
 (24) with this. Instead, the fact that Zahorian is in
 (25) jail for three-and-a-half years for dispensing

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(1)
 (2) Patterson and Phillips were doing this, because you
 (3) were on the road. You saw this stuff. You heard
 (4) this stuff going around. Everybody knows that
 (5) there was joking going on about Mel Phillips' foot
 (6) fetish. Everybody knew that there were kids on the
 (7) road who didn't belong there, kids who were
 (8) probably underage and what were they doing - why
 (9) was it important to have a kid from upstate
 (10) New York in Baltimore? Why don't you just pick up
 (11) a kid for the night to hold a wrestler's robe in
 (12) Baltimore? Why did Mel Phillips have to schlepp
 (13) these kids all around the country?
 (14) Q. What did he say?
 (15) A. He said to me that's why we have gotten
 (16) rid of them, meaning all three of those guys. He
 (17) said to me that's why we have gotten rid of them.
 (18) At that point I've said to myself, I
 (19) said Vince McMahon may have an ounce of decency in
 (20) him. He may be looking to clean up his act. He
 (21) had given me his whole spiel about his family and
 (22) his regard for his children, and I was for the
 (23) moment touched by it.
 (24) Q. When was this last conversation that
 (25) you described? When did that occur?

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(1)
 (2) drugs to wrestlers, including - and McMahon, I
 (3) said you could have made a full breast of this, you
 (4) could have said at this point, and I remember this
 (5) precisely, you could have said we have made some
 (6) mistakes, we love children, we probably have done
 (7) something wrong here, we are going to stop doing it
 (8) now and make sure that we never, ever do something
 (9) like this again.
 (10) I said Vince, or at that point I made
 (11) have been calling Mr. McMahon, I said you didn't do
 (12) this, you said this has absolutely nothing to do
 (13) with this, this is a bunch of nonsense. We are
 (14) going to have steroid testing and that kind of
 (15) thing.
 (16) He listened, and I think he listened
 (17) with some kind of appreciation. At that point I
 (18) think I felt at least an element of Vince that
 (19) said, yeah, we screwed this up, we got this wrong,
 (20) perhaps we lied. He didn't say that, but I just
 (21) got the sense that I was getting through to him as
 (22) to what it related as to what good public relations
 (23) is versus lies.
 (24) And then I said to him, and you had to
 (25) have known, you had to have known that Garvin and

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(1)
 (2) A. I believe it was early evening, and it
 (3) lasted until middle to late evening.
 (4) Q. Can you put it in reference to the
 (5) Donahue show, or the King show, or weeks ahead of
 (6) it?
 (7) A. Prior. Just prior.
 (8) Q. Days, or weeks?
 (9) A. Days.
 (10) Q. Is there anything more about the
 (11) conversation that you remember that you haven't
 (12) said? The last one.
 (13) A. There might be. It was a long
 (14) conversation. But that was the one that's clearly
 (15) freshest in my head, because for a moment I thought
 (16) that Vince McMahon was going to do the right thing
 (17) as it related to past sins of his organization, and
 (18) he was going to make good out of bad. He was going
 (19) to save his organization by - he was telling me,
 (20) you know, I've gone broke before, and if it means
 (21) telling the truth and going broke again, well, damn
 (22) it, I'll do it.
 (23) And for a moment, for a brief moment,
 (24) in fact there was an element in me that held out
 (25) hope for this guy, until he appeared on the Larry

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- (1)
 (2) King show and just started lying his butt off
 (3) again.
 (4) **THE REPORTER:** Mr. McDevitt, I really
 (5) have to go.
 (6) **MR. McDEVITT:** So she has to go, so I
 (7) can't follow up on that, and we will just
 (8) take it up when we resume.
 (9) (Time noted: 5:10 p.m.)
 (10)
 (11) _____
 (12) PHILIP L. MUSHNICK
 (13)
 (14) Subscribed and sworn to before me
 (15) this day of 1993.
 (16)
 (17) _____
 (18)
 (19)
 (20)
 (21)
 (22)
 (23)
 (24)
 (25)

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- (1)
 (2) **CERTIFICATE**
 (3)
 (4) STATE OF NEW YORK)
 (5)) ss.:
 (6) COUNTY OF NEW YORK)
 (7)
 (8) I, RINA M. DIMAIO, RPR, a Notary Public
 (9) within and for the State of New York, do
 (10) hereby certify:
 (11) That PHILIP L. MUSHNICK, the witness
 (12) whose deposition is hereinbefore set forth,
 (13) was duly sworn by me and that such deposition
 (14) is a true record of the testimony given by
 (15) such witness.
 (16) I further certify that I am not related
 (17) to any of the parties to this action by blood
 (18) or marriage; and that I am in no way
 (19) interested in the outcome of this matter.
 (20) IN WITNESS WHEREOF, I have hereunto set
 (21) my hand this 24th day of September, 1993.
 (22)
 (23) _____
 (24) RINA M. DIMAIO, RPR
 (25)

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- (1)
 (2) _____ **I N D E X** _____
 (3) **WITNESS EXAMINATION BY PAGE**
 (4) Mushnick Mr. McDevitt 340
 (5)
 (6) _____ **EXHIBITS** _____
 (7) **PLAINTIFFS' FOR I.D.**
 (8) 44 Handwritten note 340
 (9) 45 Page of handwritten notes Bates 360
 (10) stamped 000900
 (11) 46 Handwritten notes Bates stamped 372
 (12) 001236
 (13) 47 Article entitled See How Bad Our 399
 (14) Sport Can Be
 (15) 48 Handwritten notes Bates stamped 415
 (16) 1267
 (17) 49 Handwritten note Bates stamped 418
 (18) 001273
 (19) 50 Copy of a first-class mailing 434
 (20) envelope
 (21) 51 Three-page document Bates marked 434
 (22) 1156 through 58
 (23) 52 Two-page document consisting of 487
 (24) message slip and handwritten note
 (25)

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- (1)
 (2) _____ **EXHIBITS** _____
 (3) **PLAINTIFFS' FOR I.D.**
 (4) 53 Handwritten note Bates stamped 00924 489
 (5) 54 Handwritten note on a piece of 495
 (6) paper headed PTA, Bates stamped 1290
 (7) 55 Handwritten note Bates stamped 001271 499
 (8) 56 Handwritten note Bates stamped 00917 505
 (9) 57 Handwritten note Bates stamped 00921 507
 (10) 58 handwritten note Bates stamped 515
 (11) PM 00895
 (12) 59 Transcript of Larry King Live 551
 (13) dated March 13, 1992
 (14) 60 Letter Fuchsberg to McDevitt dated 590
 (15) March 13, 1992 and attached Verified
 (16) Complaint
 (17) 61 Document entitled Donahue transcript 592
 (18) dated March 16, 1992
 (19) 62 Article dated Monday, December 28, 608
 (20) 1992
 (21) 63 Document entitled Brown County 625
 (22) Sheriff's Department Incident Report
 (23)
 (24)
 (25)